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First, that there was an intentional disclosure of information which did in fact identify a covert agent;

Second, that the disclosure was made to an individual not authorized to receive classified information;

Third, that the person who made the disclosure knew that the information disclosed did in fact identify and disclose a covert agent;

Fourth, that the person who made the disclosure knew that the United States was taking affirmative measures to conceal the covert agent's classified intelligence affiliation;

Fifth, that the disclosure was made in the course of an effort to identify and expose covert agents; and

Sixth, that the person making the disclosure did so with the intent of impairing or impeding the foreign intelligence activities of the United States.

To pass the bill in this form would be to pay lip service to protecting agent identities while knowing well that no one would probably ever be convicted.

The bill's original intention is that someone ought to go to jail if he has disclosed the identities of agents "in the course of a pattern of activities intended to identify and expose covert agents, and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States." In other words, to be convicted the suspect has to have disclosed the identity or identities not accidentally, but as part of an objective pattern of activities of his, and has to have done it with reason to believe that it would hurt his country. Who will argue that such a person should not be in jail? Even the Carter administration, not very sanguine about this sort of thing, argued that if anyone ran afoul of that standard he should go to jail.

The legalistic objections to Senator CHAFEE's efforts to restore the bill are a mask for a much more fundamental position, which we in the Intelligence Committee have been arguing against for years. According to this position, although it may be permissible to punish people with official access to agents' identities who disclose those identities, it is not permissible to punish people who do not have official access but who do the same thing. That, in turn, is based on the pseudo-constitutional contention that once any information leaves the Government, there is an absolute constitutional right to publish it. But this contention has no basis in the text of the Constitution or in commonsense. I do not see such right anywhere in the Constitution. If anyone sees it, let him point to the text. Such a so-called right has even less basis in commonsense.

It makes no sense to punish those who disclose names of agents and to give immunity to those who publish them. The distinction between disclosure and publication is a wholly artificial one. Even when the person who

learns the identity of an agent is different from the person who discloses it to foreign enemies, we are compelled to note that both contribute to the process by which harm is done. Both do harm—both should go to jail. Besides, the leaker is usually in concert with the leaker. Whether or not the two parties are in league with one another is a question for a court to decide.

There is no reason, it seems to me, to punish the employee of an intelligence agency for a disclosure and not to punish the person who takes that information and brings it to the knowledge of those who are in a position to do harm to the United States. The employee who steals the information is most often not the most important person in that chain. He is most often not the most malevolent party. To punish only the employee would be akin to saying that we would go after only the clandestine agents of foreign nations and not the case officers who run them.

Moreover, what if Mr. Agee or any other leaker teaches the art of finding agents or finding other information to other people and they, the outsiders, use the skills to further grind out information harmful to the United States? Apparently this is precisely what happened. We now have people who have never been employees of the U.S. Government who have set up what amount to be their own intelligence service. They use open sources and they try to find sources within the U.S. Government. Their purpose is to find out about the activities of U.S. intelligence agencies and to put a stop to those activities by exposing them.

Why should the American people put up with that?

Some of the witnesses against this provision have argued that there is an absolute, constitutional right for private citizens to learn what they can about our intelligence agencies and to do what they will with that knowledge. The first amendment's guarantee of freedom of the press, so goes the argument, allows the press to find out what it can and publish what it knows. Thank goodness this is just wild talk and not part of the Constitution. Otherwise the Constitution really would be a suicide pact. Just suppose for a moment that the press and the judicial system took that statement seriously. Each reporter would believe it proper to act no differently than a Soviet clandestine case officer. He would recruit agents by whatever means, and try to penetrate American intelligence as deeply as he could to find out the most sensitive information we had. Then he would probably publish it to the world—names of agents, frequencies, functions of technical means, everything. In war time such dutiful reporters would send untold numbers of their fellow citizens to their graves. The Justice Department and the courts, for their part, would just let it go on,

because, after all, the press' job in a free society is to inform the public, is it not? Well, I think all of that is very clearly nonsense.

Those who oppose this provision on the ground that it would muzzle legitimate journalists do a disservice to legitimate journalism. They maintain perforce that there is no objective criterion for distinguishing between the enterprise of journalism and the work of private intelligence services working to impair or impede U.S. intelligence. Journalists should feel insulted by the comparison. I think that the difference between legitimate journalists and the likes of Louis Wolf is obvious, and that the language which Senator CHAFEE is trying to restore to the bill is a good, sound legal test of that difference and a test which I suggest, Mr. President, more than just passing, is critical to the future of this great Constitution.

Mr. President, I yield the floor.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Wyoming for that outstanding statement. I personally want to express my appreciation to him for that fine statement and for his support. We are very grateful. He is an influential Member of this body and held in the highest respect. The fact that he has chosen to endorse the amendment that I am supporting gives us a big boost.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that we temporarily lay aside the amendment which we are presently considering, and take up my amendment to delete section 603 of this bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SECTION 603 OF S. 381

Mr. CRANSTON. I am concerned about the implications for the conference situation of the motion of the Senator from Rhode Island (Mr. CHAFEE) to strike section 603 from the bill as reported. As the Senator knows, the Judiciary Committee, on a strong bipartisan vote of 11 to 7, specifically amended the intelligence-agent-cover requirement in section 603 to exclude the Peace Corps. In agreeing to that amendment offered by the Senator from Montana (Mr. BAUCUS), the committee was clearly ratifying and proposing to codify into law the 20-year-old executive branch policy of complete separation of the Peace Corps from intelligence activities. I worked very closely with the Senator from Montana, with the ranking minority

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member of the committee (Mr. BIDEN), and other Senators on the committee with regard to the need for this exception. In fact, earlier this year, I personally wrote each committee member as well as the author of the bill (Mr. CHAFEE) and spoke to many of them in support of such an amendment.

Mr. President, I ask unanimous consent that several of these letters be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF GEORGIA,
SCHOOL OF LAW,
Athens, Ga., May 4, 1981.

HON. JEREMIAH DENTON,
Chairman, Subcommittee on Security and
Terrorism, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

HON. JOSEPH R. BIDEN,
Ranking Minority Member, Subcommittee
on Security and Terrorism, Committee
on the Judiciary, U.S. Senate, Washing-
ton, D.C.

DEAR SENATORS DENTON AND BIDEN: I am writing in connection with S. 391, the proposed Intelligence Identities Protection Act of 1981. I understand that last year, in connection with a similar bill which ultimately was not enacted, the Committee on the Judiciary voted, in accordance with the twenty year old policy of absolute separation between the Peace Corps and United States intelligence, to except the Peace Corps from a statutory requirement that United States Government agencies provide assistance to maintain secrecy of the identity of officers or employees of intelligence agencies. As Secretary of State when that policy was adopted, I would like to explain its genesis and, in my opinion, continuing vitality.

The Peace Corps, as conceived and maintained, expresses the idealism and humanity of the United States in its relations to other countries, particularly those of the Third World. More than 80,000 Americans, mainly young, have now served overseas, often under conditions of hardship, to help meet the need of Third World countries for skilled manpower.

To permit the Peace Corps to be used as cover for United States intelligence would be inconsistent with this conception of the Peace Corps. If people in foreign countries thought it was being so used, whether their belief was true or false, foreign countries would not accept Peace Corps volunteers, and, equally important, many highly motivated Americans would not volunteer for Peace Corps service.

Those who reject the separation policy proceed, I suppose, from the premise that if the United States is to carry out intelligence activities as it must, those activities require cover. If the United States excepts the Peace Corps from any obligation to provide cover, then where does one draw the line.

First, the United States has repeatedly stated and assured foreign governments that the Peace Corps was not and would not be so used. So far as I know, this distinguished it from any other United States government agency.

Secondly, any effort to use the Peace Corps as cover would likely be vigorously opposed by Peace Corps volunteers and staff and would, therefore, not be feasible.

The argument has also been made that formal legislation should not legally circumscribe the President's discretion. The problem is that on its face proposed Section 603 of the National Security Act of 1947 could be interpreted as changing the historic policy of absolute separation between the

Peace Corps and United States Intelligence, because proposed Section 603 does not except the Peace Corps. Moreover, in my opinion any action that suggests that the United States has modified the policy of absolute separation between the Peace Corps and Intelligence would also increase the danger to Peace Corps volunteers and staff. During the last twenty years there have been countless examples of volunteers continuing to perform their duties despite civil strife. Indeed, they have many times been protected by the ordinary citizens with whom they live and work from any harm. Instability and terrorism have already substantially increased the dangers to Americans abroad. These dangers Peace Corps volunteers necessarily assume. The United States should do nothing to increase these risks.

Thus, I hope your subcommittee will, as the Judiciary Committee did last year, adopt an amendment to the proposed Section 603 of the National Security Act of 1947 to confirm the separation between the Peace Corps and Intelligence.

In closing, I would point out that when the Peace Corps was born it was very clear that it would not only refrain from any activities of an intelligence nature but that it would be separate from any role as an instrument of American foreign policy and would not become an instrument for use by our embassies abroad or by the Department of State. It was felt that it was vital that it be recognized as an organization solely concerned with the purposes for which the Congress established it and would have no other role whatever. The substance of the recommendation for an amendment to Section 603 has been discussed with former Secretaries Cyrus Vance and Edmund Muskie who endorse it fully.

Respectfully submitted.

DEAN RUSK.

JUNE 3, 1981.

HON. MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR MAX: Attached is a letter to the Judiciary Committee Subcommittee on Security and Terrorism from Dean Rusk regarding S. 391, the proposed "Intelligence Identities Protection Act of 1981". I think it's an excellent letter, and I hope you'll read it fully. It makes the case most persuasively, I think, for exempting the Peace Corps from the requirement to be added in proposed section 603 by the bill that each Federal agency designated by the President provide all possible cover to U.S. intelligence activities.

Last year the Judiciary Committee approved on a 7-6 vote such an exception to the predecessor of S. 391 (S. 2216)—also including AID in the exception.

I urge that you support a Peace Corps exception to section 603. According to the Additional Views of Senators Thurmond, Laxalt, Hatch, Dole, and Simpson in last year's report, they fully supported the traditional view that "the Peace Corps has never provided—and should never provide—such cover and it has been effectively precluded from doing so by statute. . . . We do not wish to revoke the Peace Corps statutory exemption. . . . But we do not wish to establish any further exemptions. . . ." S. Rept. No. 96-990, page 39. (Emphasis mine.)

Thus, the opposition in the Judiciary Committee to an exception for the Peace Corps last year was based on the predicate that it already had a statutory exemption. But that is a mistake. There is not and never has been any such exemption in law. There is a long-standing Executive Branch policy to this effect, but it is a policy that

could be altered at any time unilaterally by the Executive and one that would seem to be drawn into serious question by the subsequent enactment of this new cover-giving obligation.

Although a President could choose to continue the exemption after enactment of the bill, the critical point to note here relates to the perception overseas—which lies at the very heart of the policy to begin with. As the Committee report stated at page 20 last year:

"The rationale for barring such use of the Peace Corps has been acknowledged by every President since its formation. Because of the vital importance of Peace Corps Volunteers and staff being able to fulfill their essential purpose of building links between the United States and the peoples of developing countries at the grassroots level, of providing practical and humanitarian assistance on a voluntary basis and of demonstrating through the personal commitment of the volunteers the interest of American citizens in the welfare of individuals in developing countries, the Peace Corps also has been substantially separate from the formal day-to-day official relations of governments. It is, has been, and must continue to be completely and absolutely separated from all intelligence activities. For that reason, the Peace Corps specifically bars individuals with any intelligence background from volunteer or employee positions with the Peace Corps. In addition to being barred from using Peace Corps volunteers as cover, under current Presidential policy directives, the intelligence community also has been barred from contacting, questioning or in any other way of seeking to use volunteers as intelligence sources. To insure that section 503 is not perceived as altering the independence of the Peace Corps, the Committee adopted this amendment excluding that agency from the provisions of this section." (Emphasis added.)

I'd very much appreciate an opportunity to discuss this matter with you after you've reviewed this material and before you cast your vote in Committee. I consider such a statutory exception indispensable to the integrity of the Peace Corps, the safety of its workers overseas, and the future effectiveness of this very worthwhile program.

Cordially,

ALAN CRANSTON.

JUNE 3, 1981.

HON. JOHN H. CHAFEE,
U.S. Senate,
Washington, D.C.

DEAR JOHN: Attached is a letter to the Judiciary Committee Subcommittee on Security and Terrorism from Dean Rusk regarding S. 391, the proposed "Intelligence Identities Protection Act of 1981". I think it's an excellent letter, and I hope you'll read it fully. It makes the case most persuasively, I think, for exempting the Peace Corps from the requirement to be added in proposed section 603 by the bill that each Federal agency designated by the President provide all possible cover to U.S. intelligence activities.

Last year the Judiciary Committee approved on a 7-6 vote such an exception to your predecessor bill to S. 391 (S. 2216)—also including AID in the exception.

When you reintroduced your bill this year, you did not include such an exception. I urge you to reconsider and support a Peace Corps exception. According to the Additional Views of Senators Thurmond, Laxalt, Hatch, Dole, and Simpson in last year's report, they fully supported the traditional view that "the Peace Corps has never provided—and should never provide—such

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ALAN CRANSTON.

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the Committee report stated at page 20 last
year:

"The rationale for barring such use of the
Peace Corps has been acknowledged by
every President since its formation. Because
of the vital importance of Peace Corps Vol-
unteers and staff being able to fulfill their
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the United States and the peoples of devel-
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day-to-day official relations of governments.
It is, has been, and must continue to be
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all intelligence activities. For that reason,
the Peace Corps specifically bars individuals
with any intelligence background from vol-
unteer or employee positions with the Peace
Corps. In addition to being barred from
using Peace Corps volunteers as cover,
under current Presidential policy directives,
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as intelligence sources. To insure that sec-
tion 503 is not perceived as altering the
independence of the Peace Corps, the Com-
mittee adopted this amendment excluding
that agency from the provisions of this sec-
tion." (Emphasis added.)

I'd very much appreciate an opportunity
to discuss this matter with you after you've
reviewed this material. I consider such a
statutory exception indispensable to the in-
tegrity of the Peace Corps, the safety of its
workers overseas, and the future effective-
ness of this very worthwhile program, and I
hope you will agree and, if so, will urge the
Judiciary Committee to except the Peace
Corps.

Cordially,

ALAN CRANSTON.

Mr. CRANSTON. Mr. President, thus, I was extremely gratified by the
fine leadership of the Senator from
Montana (Mr. BAUCUS) on this issue
and the committee's action in adopt-
ing the amendment.

However, Mr. President, as I said,
the pending amendment by the bill's
author, the Senator from Rhode
Island (Mr. CHAFEE), is a matter of
concern because of the situation that
would obtain in conference with the
House which has passed H.R. 4 with
section 603 and no Peace Corps excep-

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tion. I would, therefore, like to ask the
Senator from Rhode Island several
questions about this conference situa-
tion.

Mr. BAUCUS. Mr. President, will
the Senator from California yield?

Mr. CRANSTON. I am delighted to
yield.

Mr. BAUCUS. I have discussed this
matter with the Senator from Califor-
nia and very much share his concerns.
I believe it needs to be very clearly un-
derstood in consideration of this
matter that the Senate's position is to
be strongly in support of an explicit
statutory exception for the Peace
Corps if any legislation is to be en-
acted with an intelligence-agent-cover
requirement along the lines of section
603 in H.R. 4 as passed by the House.

Mr. TSONGAS. Mr. President, as a
former Peace Corps volunteer, I would
say that I very much share these con-
cerns, as I know does my colleague
from Connecticut (Mr. DONN), who
also served as a Peace Corps volunteer.

Mr. CRANSTON. I thank the Sena-
tors for their good words and ask the
Senator from Rhode Island whether
he agrees with the statement of the
Senator from Montana with respect to
the very clear will of the Senate on
the question of the need for an "ex-
plicit statutory exception" if an intelli-
gence-agent-cover provision like sec-
tion 603 is in the bill?

Mr. CHAFEE. I do agree. In fact, I
wish to make very clear that in offer-
ing this amendment, I am not in any
way disagreeing with the critical im-
portance of maintaining the historic
total separation of the Peace Corps
from intelligence activities. Indeed, I
fully support that policy. As I ex-
plained to the Senator from California
(Mr. CRANSTON) in my letter to him
earlier this year, section 603 of S. 391
would require departments and agen-
cies of the Government designated by
the President to provide assistance for
intelligence cover arrangements. The
section does not require the Peace
Corps or any other agency to provide
cover. Nor does it designate any specifi-
c agency for this purpose. All that the
section does is to provide that cover be
effective.

In my judgment, it is unnecessary
and unwise to put into any bill a list-
ing of agencies which are not to pro-
vide cover for intelligence personnel.
This sort of listing would not be be-
lieved by people overseas—in fact, it
might tend to highlight the suspected
relationship between the Peace Corps
and the intelligence community. At
the same time, it could focus the at-
tention of terrorists and other parties
on the representatives of other, unlist-
ed Federal agencies who have people
serving abroad.

Recently the Director of Central In-
telligence wrote to the Director of the
Peace Corps on just this issue and
said:

Let me personally emphasize that I do not
advocate and would indeed firmly oppose
any designation of the Peace Corps for

cover support. I can assure you that I have
no intention of seeking to use the Peace
Corps to provide cover for clandestine intel-
ligence collection, and I certainly do not
intend to change the longstanding CIA
policy barring such use of the Peace Corps.
It is not the intent of subsection 603(a) to
foster secret directives at odds with this
publicly stated policy, which has been in
effect since 1961, the same year the Peace
Corps was established.

It is my understanding that Director
Casey's statement represents the posi-
tion of this administration, and that
this administration has no intention of
departing from this policy in the
future.

In spite of all these assurances, how-
ever, the perception still seems to exist
in some minds that this section of S.
391 adversely affects the Peace Corps.
On this basis, I am prepared to drop
section 603 from the bill altogether as
this appears to be the best solution to
the problem. I will support this posi-
tion in conference as well.

Mr. President, I ask unanimous con-
sent that my letter to Senator CRAN-
STON, and Director Casey's letters on
this matter, be inserted into the
RECORD.

There being no objection, the letters
are ordered to be printed in the
RECORD, as follows:

ATTACHMENT 2 (CHAFEE)

U.S. SENATE,

Washington, D.C. June 22, 1981.

HON. ALAN CRANSTON,
Russell Senate Office Building, U.S. Senate,
Washington, D.C.

DEAR ALAN: Thank you for contacting me
regarding the Intelligence Identities Protec-
tion Act of 1981 (S.391), and your interest in
a "Peace Corps" amendment to this bill.

As you recall, the Senate Committee on
the Judiciary last year added such an
amendment to S. 2216, my predecessor to S.
391, when it reported the bill. In reintroduc-
ing the legislation this year, I did not in-
clude a Peace Corps provision for several
reasons.

First, S. 391 requires the President to es-
tablish procedures to ensure that undercov-
er intelligence officers and employees re-
ceive effective cover. This provision of the
bill does not, however, stipulate which el-
ement of government shall provide assist-
ance, or what that assistance will be. In
other words, as currently drafted, S. 391
does not require the Peace Corps, or any
other agency, to provide cover at all. It
simply requires that cover be effective.

Second, in my judgment, it is unnecessary
and unwise to put into any bill a listing of
agencies which are not to provide cover for
intelligence personnel. This sort of listing
would probably not be believed by people
overseas—in fact, it might tend to highlight
the suspected Peace Corps/Intelligence rela-
tionship. Moreover, it would automatically
focus the attention of foreign governments,
terrorists and others on the representatives
of other unlisted federal agencies who have
people serving abroad.

Third, to my knowledge, the intelligence
community never has, and never will, use
the Peace Corps for intelligence purposes.
This is due in part to the special nature of
the Peace Corps, which every administra-
tion has understood and respected. But it is
also due to the fact that representatives of
the Peace Corps do not have the sort of
access overseas which would provide the in-

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telligence community with the sort of information they need. Thus, I see no need to legislate against something which is not now a problem, and which shows no likelihood of becoming a problem.

I realize that the Pauken nomination has tended to focus Congressional attention on the special role of the Peace Corps, and I appreciate your concern that this special status be maintained. I believe strongly, however, that this is not a real issue with regard to S. 391. I also believe that an effort to legislate an exemption for the Peace Corps in this case will do more harm than good.

Once again, thank you for raising this issue with me. I appreciate your interest in S. 391.

Warm regards.

Sincerely,

JOHN H. CHAFEE.

CENTRAL INTELLIGENCE AGENCY,

Washington, D.C., July 15, 1981.

Hon. LORET MILLER RUPPE,
Director, Peace Corps,
Washington, D.C.

DEAR MRS. RUPPE: Your letter of June 25, 1981, requested my views regarding policies governing cover relationships between CIA and the Peace Corps in connection with S. 391, the Intelligence Identities Protection Act, which will be considered by the Senate Judiciary Committee soon. Companion legislation, H.R. 4, is also pending in the House.

I understand that you are concerned with a provision in that proposed legislation that would require departments and agencies of the government designated by the President to provide assistance for cover arrangements to provide whatever assistance the President deems necessary to effectively maintain the secrecy of intelligence officers and employees. This language does not mandate that the Peace Corps or any other particular agency provide cover for intelligence personnel. Moreover, I do not advocate and would oppose any designation of the Peace Corps as an agency required to provide cover support. For these reasons, I am sure that you will agree that there is no need for a specific statutory exclusion of the Peace Corps from the cover provision of the proposed bill. Moreover, such a proposed amendment would be misleading for it would suggest that CIA desires to change its policy in this regard.

I can assure you that I have no intention of seeking to use the Peace Corps to provide cover for clandestine intelligence collection conducted by Central Intelligence Agency personnel. I certainly do not intend to change the long-standing CIA policy barring such use of the Peace Corps, which is reflected in existing regulations.

Thank you for the opportunity to express my views. I hope that I have reassured you regarding CIA intentions. If you have any specific questions whatsoever regarding our policies, my General Counsel, Mr. Stanley Sporkin, will be happy to answer them. I look forward to an amicable relationship with you in the future.

Sincerely,

WILLIAM J. CASEY,

Director of Central Intelligence.

PEACE CORPS,

Washington, D.C., June 25, 1981.

Hon. WILLIAM J. CASEY,

Director, Central Intelligence Agency, Washington, D.C.

DEAR MR. CASEY: As we both begin our work with the new Administration, I write to you about a matter of mutual concern to our agencies. Specifically, I would like to bring to your attention the bill S. 391, the Intelligence Identities Protection Act which

will be considered by the Senate Judiciary Committee soon. As you know, throughout the 20 year history of the Peace Corps, there has been a deliberate effort to keep separate our volunteers from any intelligence-gathering role. In connection with that policy, we have evolved our intelligence policy which bars former CIA employees, and others who have been in the intelligence-gathering business since less than 10 years prior to their application, from serving in the Peace Corps.

As you know, this policy has been in effect for the past twenty years and was last reaffirmed by our predecessors in 1978. I understand that your agency has very recently expressed the position that you have no intention of deviating from your current regulations prohibiting cover arrangements involving the Peace Corps and that it is not your intention to foster secret regulations at odds with those regulations which have been in effect for the past twenty years.

I look forward to hearing from you directly as to the CIA position on this matter. I think that it would be to our mutual benefit to share this correspondence with appropriate members of Congress, so that there will be no mistake as to the Peace Corps' total separation from the function of intelligence-gathering.

Sincerely,

LORET MILLER RUPPE,

Director.

CENTRAL INTELLIGENCE AGENCY,

Washington, D.C., September 14, 1981.

Hon. STROM H. THURMOND,

Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you because of concerns about Central Intelligence Agency and the Peace Corps which several Senators have expressed to me in connection with S. 391, the Intelligence Identities Protection Act, which the Senate Judiciary Committee will consider on Tuesday, 15 September.

Subsection 603(a) of the Bill would require departments and agencies of the government designated by the President to provide assistance for intelligence cover arrangements. The language of this provision does not require the Peace Corps or any other agency to provide cover for intelligence personnel. The authority to designate which agencies shall provide such cover is left where it currently resides and should remain, that is, with the President.

Let me personally emphasize that I do not advocate and would indeed firmly oppose any designation of the Peace Corps for cover support. I can assure you that I have no intention of seeking to use the Peace Corps to provide cover for clandestine intelligence collection, and I certainly do not intend to change the long-standing CIA policy barring such use of the Peace Corps. It is not the intent of subsection 603(a) to foster secret directives at odds with this publicly stated policy, which has been in effect since 1961, the same year the Peace Corps was established.

It would be unwise, however, to put into the Identities legislation a listing of agencies which are not to provide cover for intelligence personnel. Such a listing would not be believed overseas. It would serve only to focus foreign intelligence services, violence-prone individuals, and terrorist groups in the overseas personnel of Federal agencies not included in the listing.

For these reasons, I am sure that you will agree that there is no need for a specific exclusion of the Peace Corps from the cover-related provision of the Identities Bill. I trust I have reassured you regarding CIA intentions. I am enclosing for your informa-

tion recent correspondence to the same effect between the CIA and the Peace Corps.

Sincerely,

WILLIAM J. CASEY,

Director of Central Intelligence.

Enclosures.

Mr. CRANSTON. Do the distinguished floor managers, the Senator from Alabama (Mr. DENTON) and the Senator from Delaware (Mr. BIDEN), also agree with the Senators from Rhode Island and Montana that in dropping section 603 it will be the very clear will of the Senate that if there is to be a section 603 in the bill, it must contain an exception for the Peace Corps?

Mr. DENTON. Yes.

Mr. BIDEN. Very much so. That is the Senate's clear will.

Mr. CRANSTON. I thank the Senators. Thus, would they also agree that should the Chafee amendment be adopted—and I will support it—and the Senate turns out to be unable to convince the other body in conference to delete section 603 from the conference agreement, then the Senate conferees must insist that section 603 can stay in the conference report only if the Peace Corps exception as reported from our Judiciary Committee is added, and that the Senate conferees will be unyielding on this point?

Mr. CHAFEE. Mr. President, I agree with the analysis of the Senator from California and assure him that that will be my position if I am named a conferee.

Mr. DENTON. Mr. President, I agree also and will in conference certainly forcefully advocate the Senate position on this, as the Senator from California and the Senator from Rhode Island have described it.

Mr. BIDEN. Mr. President, I also will be adamant on this point in the conference: Either strike section 603 entirely or amend it to insert the specific Peace Corps exception.

Mr. CRANSTON. Mr. President, thank the Senators very much, and greatly appreciate their cooperation in clarifying this matter so very important to the future integrity and effectiveness of the Peace Corps.

Mr. BAUCUS. Mr. President, I concur with my colleague from California and thank my fellow committee members and the bill's author, Senator CHAFEE.

Mr. CRANSTON. Finally, Mr. President, whether or not there is section 603 in the conference report, does the author of the bill agree that the conferees should be urged to state that the provisions of section 1.6(a) of the recently issued Executive Order No. 12333, relating to cooperation of Federal agencies with the Director of Central Intelligence, should not be construed as altering in any way the historic policy of complete separation of the Peace Corps from intelligence activities?

Mr. CHAFEE. I agree.

March 1, 1982

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Mr. BIDEN. I share that view as well.

Mr. LEAHY. Mr. President, I have listened to this discussion with great interest and note that, as a member of the judiciary subcommittee that handled this bill and a strong supporter of the Peace Corps, I share fully the concerns of the Senators from California, Montana, Massachusetts, and Connecticut, and endorse completely the agreement with the bill's author and floor managers as to both the Senate's clear will on this matter and the position of the Senate conferees in conference.

UP AMENDMENT NO. 823

(Purpose: To strike out section 603 relating to procedures for establishing cover for intelligence officers and employees.)

Mr. CHAFEE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) proposes an unprinted amendment numbered 823.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, strike out lines 4 through 23.
On page 6, line 2, strike out "Sec. 604." and insert in lieu thereof "Sec. 603."
On page 6, line 9, strike out "Sec. 605." and insert in lieu thereof "Sec. 604."
On page 6, line 13, strike out "Sec. 606." and insert in lieu thereof "Sec. 605."
On page 9, immediately after line 10, amend the table of contents to read as follows:

"TITLE VI—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

"Sec. 601. Protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

"Sec. 602. Defenses and exceptions.

"Sec. 603. Extraterritorial jurisdiction.

"Sec. 604. Providing information to Congress.

"Sec. 605. Definitions."

Mr. CHAFEE. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island (Mr. CHAFEE.)

The amendment (UP No. 823) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1256

Mr. CHAFEE. Mr. President, I ask that we now return to the consideration of the amendment which was the business before the Senate prior to the disposition of the last amendment.

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The PRESIDING OFFICER. The Senate will not return to its consideration.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

Mr. BIDEN. Mr. President, will the Senator withhold that for a moment?

Mr. CHAFEE. Yes.

Mr. BIDEN. Mr. President, we are winding down. My understanding is that we are going to be closing up fairly soon on this issue for today. Senator DURENBERGER, Senator GORTON, Senator SPECTER, and several other Senators have an interest in speaking on this bill. I have discussed this with the Senator from Rhode Island. He is also anxious for them to have their opportunity to discuss this.

Although we have not agreed on a time certain to vote on this measure tomorrow, we have all been operating under the assumption that we would vote tomorrow.

I want to ask the Senator from Rhode Island if his understanding is the same as mine, that if we do vote tomorrow, or before we vote, whether it is tomorrow or whenever, that we will have an opportunity to hear from those Senators I have mentioned, and possibly several others who would wish to add to this debate, and that also each of us will have an opportunity to spend 15 minutes or so summarizing our position.

Is that what he understands the leadership position to be generally?

Mr. CHAFEE. Yes, Mr. President, definitely.

As I understand the proceedings tomorrow, as soon as we come in, we move immediately to the Department of Justice authorizations bill. There will be some votes on that at around 2 o'clock.

The PRESIDING OFFICER. If the Senator from Rhode Island will indulge the Chair, he will refer to the order which is pending. The present order reads as follows:

Ordered, That at 9:30 a.m. on Tuesday, Mar. 2, 1982, the Senate resume consideration of S. 951, a bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes and at that time there be not to exceed 2 hours of debate, to be equally divided and controlled, on the Johnston amendment No. 1252, and that upon the disposition thereof, the Senate proceed without debate, motion, point of order, or appeal, to the disposition of the Heflin amendment No. 1235.

Ordered further, That these two amendments be the only amendments in order.

Ordered further, That upon the disposition thereof, without intervening debate, motion, point of order, or appeal, third reading occur, to be followed immediately without intervening debate, motion, or point of order by final passage of S. 951, as amended, and that no debate be permitted on a motion to reconsider. (Feb. 25, 1982.)

Let me inquire of the Parliamentarian.

The Chair will note that there is no time limit on the amendment of the Senator from Alabama, amendment No. 1235. The Chair is now informed that there is no time limit at all.

Mr. CHAFEE. Mr. President, I want to assure the Senator from Delaware that the Senators he referred to will have an opportunity to be heard. There is no question about that. There is no time limit, actually, on this bill which is before us. So they will be heard.

It would be my understanding that probably their discussions would take place tomorrow afternoon, following the votes which have been ordered, but that we would not proceed to any votes on this matter tomorrow.

Mr. BIDEN. If the Senator will yield, I obviously do not object. There has been a good deal of comity between the Senator and myself on this issue. I just want to make sure that our colleagues, when they read the Record, will know what is likely to happen tomorrow.

We have been operating under the assumption, though there has been no time agreement, that we would be voting on this tomorrow. At least now it looks like there is a possibility we will not be voting on it tomorrow. The Senator from Delaware is prepared, once those few Senators speak, to go forward, but I understand there may be other exigencies which would make it difficult for us to vote.

I did not intend to pin the Senator down. I wanted a sense of where we are going. That answers my question and I do not have a further question on that issue.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, S. 391, the Intelligence Identities Protection Act, is now before the Senate, and I want to take this opportunity to commend the distinguished Senator from Rhode Island, Senator CHAFEE, and the distinguished manager of the bill, Senator DENTON. Their patience and dedication has been most appreciated, and their efforts on behalf of U.S. security interests have been crucial to the development of this important legislation.

As President Reagan wrote in a letter to me last month,

Legislation to make criminal the unauthorized disclosure of the names of our intelligence officers remains the cornerstone for the improvement of our intelligence capabilities. Nothing has been more damaging to this effort than the pernicious disclosures of the names of officers whom we send abroad on dangerous and difficult assignments.

Mr. President, I support this legislation, and I urge my colleagues to do the same. This is a matter whose importance cannot be overemphasized.